IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2091 OF 2005
IN
SECOND APPEAL NO. 202 OF 1992

Damu Shivram Gadage (since decd.) Anjanabai Vithal Gadage & Ors. .... Applicants.

Versus

Eknath Shivram Gadage & Ors. ..... Respondents.

Mr. S. M. Gorwadkar for the Applicants.

Mr. P. N. Joshi for the Respondents.

CORAM : ANOOP V. MOHTA, J.

DATED : 9TH DECEMBER, 2005.

P.C. :

Heard. Considering the averments made, a substantial case is made out to condone the delay in filing the application for restoration of the Second Appeal which was dismissed in default on 15th September, 2004 along with the Civil Application No. 3458 of 1995. Civil Application is, therefore, allowed in terms of prayer clauses (b) and (c). However, this is subject to costs of Rs.2,000/- to be paid by the applicant to the respondents within two weeks from today.

2. In the result, interim order which was granted in Civil Application No. 3458 of 1995 to continue. First Appeal be listed on board for final hearing. This civil application is disposed off, accordingly.

Sd/-

(ANOOP V. MOHTA, J.)